

STATE OF UTAH
DEPARTMENT OF COMMERCE
DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

NEWSLETTER

October 1, 2011

The following actions have been taken by the Division following hearings conducted before an Administrative Law Judge and the respective Licensing Committees or Boards or have been entered by Stipulation or Memorandum of Understanding from September 1, 2011 - September 30, 2011.

PHYSICIANS/SURGEONS

None in September 2011

DENTISTS/DENTAL HYGIENISTS

***HEMMERT, Jared Wynn, DDS**

License Nos. 5346167-9922/8903

Docket No. 2009-341

Orem, Utah

Amended Order:

The suspension on Respondent's license to administer and prescribed controlled substances was terminated and said license was placed on probation subject to the same conditions and restrictions that currently exist on his license to practice as a dentist.

Date:

September 26, 2011

REGISTERED NURSES/ADVANCED PRACTICE NURSES

***GARCIA, Cesar Enrique**

License No. 6613495-3102

Docket No. 2008-90

Orem, Utah

Reinstatement Order:

The probation on Respondent's license to practice as a registered nurse was terminated and said license was reinstated with full privileges.

Date:

September 6, 2011

***KEETCH, Jana Lyn**

License No. 286170-3102

Docket No. 2011-294

American Fork, Utah

Cause of Action:

Respondent has engaged in unprofessional conduct due to substance dependence issues.

Order:

Respondent's license to practice as a registered nurse was revoked with a stay of enforcement on the revocation. Said license was placed on probation for five years with conditions and restrictions.

Date:

September 20, 2011

***MCINNIS, Rebecca Ann**

Certified Nurse Midwife

License No. 4747378-4402/8902

Docket No. 2011-293

Salt Lake City, Utah

Cause of Action:

Respondent engaged in unprofessional conduct when she administered Cytotec to a patient and failed to document the administration of that prescriptive drug in the patient's medical record.

Order:

Respondent was given a public reprimand for the above conduct. Respondent was also ordered to pay a \$1,000 fine within 90 days.

Date:

September 13, 2011

REGISTERED NURSES/ADVANCED PRACTICE NURSES - continued

***PANTER, Vaiola Jean**

License No. 356948-3102

Docket No. 2011-194

Perry, Utah

Amended Order:

The suspension on Respondent's license to practice as a registered nurse was terminated and said license was placed on probation for five years with conditions and restrictions identified in the June 13, 2011 Stipulation and Order.

Date:

September 20, 2011

***PETERSON, Michelle Bates**

License No. 340912-3102

Docket No. 2011-305

South Jordan, Utah

Cause of Action:

Respondent engaged in unprofessional conduct when she fraudulently accepted money for nursing shifts she did not work.

Order:

Respondent was given a public reprimand for the above conduct and the following restriction: Respondent shall not work for a nursing registry, traveling nurse agency, nursing float pool, home health agency, temporary employment agency, school of nursing, or any other practice setting in which nursing supervision is unavailable.

Date:

September 21, 2011

***RAYMOND-HICKS, Barbara Ann**

License No. 7132501-3102

Docket No. 2011-291

Las Vegas, Nevada

Cause of Action:

Respondent engaged in unprofessional conduct when her nursing license in Nevada was disciplined in April 2011.

Order:

Respondent's license to practice as a registered nurse was placed on probation for three years with conditions.

Date:

September 13, 2011

***STALEY, Shannon Lee**

License No. 199267-3102

Docket No. 2011-311

Salt Lake City, Utah

Cause of Action:

Respondent engaged in unprofessional and unlawful conduct when she took a Schedule II controlled substance from her place of employment for her own use. Respondent was not lawfully prescribed or administered the controlled substance by a prescribing practitioner.

Order:

Respondent voluntarily surrendered her license to practice as a registered nurse. Respondent may not reapply for a nursing license for a period of five years and completion of conditions outlined in the Order.

Date:

September 22, 2011

***THOMAS, Stephanie Jean**

License No. 336416-3102

Docket No. 2009-248

Ogden, Utah

Amended Order:

The probationary condition restricting Respondent to practicing only under the on-site supervision of a registered nurse in good standing with the Division or a licensed physician in good standing with the Division was amended to allow Respondent to practice only under the general supervision of a registered nurse in good standing with the Division or a licensed physician in good standing with the Division.

Date:

September 20, 2011

REGISTERED NURSES/ADVANCED PRACTICE NURSES - continued

***THOMPSON, Kaylyn**

License No. 5012584-3102

Docket No. 2007-238

Milford, Utah

Amended Order:

The probationary condition restricting Respondent's practice to duties and surroundings that do not allow her access to or require Respondent to account for controlled substances was amended to allow Respondent to pass ADHD medications while working at Painted Hills Academy only.

Date:

September 20, 2011

***VENEGAS, Victor Fabian**

License No. 7689207-3102

Docket No. 2010-248

Salt Lake City, Utah

Reinstatement Order:

The probation on Respondent's license to practice as a registered nurse was terminated and said license was reinstated with full privileges.

Date:

September 20, 2011

LICENSED PRACTICAL NURSES

***BULLOCH, Christine Ashby**

License No. 196624-3101

Docket No. 2011-320

Cedar City, Utah

Cause of Action:

Respondent engaged in unprofessional and unlawful conduct when she submitted false and misleading information to the Division on license renewal forms with respect to continuing nursing education classes which she did not complete.

Order:

Respondent voluntarily surrendered her license to practice as a licensed practical nurse. Respondent may not reapply for a nursing license for a period of five years.

Date:

September 28, 2011

PHARMACISTS/PHARMACY TECHNICIANS/PHARMACIES

***ASHER, Cynthia A.**

Pharmacist

License Nos. 148647-1701/8911

Docket No. 2011-292

Holladay, Utah

Cause of Action:

Respondent engaged in unprofessional and unlawful conduct when she failed to accurately complete a Division renewal application in August 2009; failed to abide by pharmacist-in-charge standards which require that drugs be labeled and dispensed accurately and safely as prescribed; and diverted drugs from her pharmacy employer on more than one occasion.

Order:

Respondent's licenses to practice as a pharmacist and to dispense controlled substances were suspended with conditions to be met during the period of suspension. Following the period of suspension, said license will be placed on probation for five years with conditions. Respondent was also ordered to pay a \$1,000 fine within six months.

Date:

September 13, 2011

***AXIOM THERAPEUTICS, LLC**

dba AXIOM SPECIALTY RX

Unlicensed Pharmacy

Docket No. 2011-317

South Jordan, Utah

Cause of Action:

Between 2007 and 2010, when Respondent was not licensed as a pharmacy, Respondent contracted with a licensed Utah pharmacy to order certain prescription medications for Respondent's customers. Those prescription medications were at times received by Respondent from the licensed Utah pharmacy, held by Respondent and subsequently dispensed by Respondent directly to Respondent's customers or at time given to the customer's authorized representatives who then delivered the medications to the customers. The Utah licensed pharmacy would then submit the insurance claims to the insurance company. **Respondent, while neither admitting nor denying the Division's findings of fact, agreed to the following:**

Order:

Respondent was ordered to cease and desist from the following: (1) engaging in the conduct described in this Stipulation and Order to the extent prohibited by Subsections 58-1-501(2)(a) and 58-17b-502(2); (2) allowing excess supplies of prescription drugs to be ordered by customers; (3) providing compensation in any form to customers for claims submitted on the customers insurance, although this provision shall not limit payments to owners of Respondent who may also be patients, so long as such payments are based upon the ownership in Respondent company, as recorded with the Division, and not for claims submitted; and (4) allowing prescription medication to be held outside his pharmacy or at a third party location for subsequent dispensing to the customer. The delivery of prescription medication by a representative of Respondent is permissible.

Date:

September 27, 2011

***BOWCUT, Brittany**

Pharmacy Technician

License No. 6983935-1717

Docket No. 2011-318

Ogden, Utah

Cause of Action:

Respondent engaged in unprofessional and unlawful conduct when she filled prescriptions for her own use that provided for refills of the prescriptions, when in fact the prescribing practitioner had not authorized refills of the prescriptions. **Respondent, without admitting or denying the Division's findings of fact, agreed to the following:**

Order:

Respondent voluntarily surrendered her license to practice as a pharmacy technician. Respondent may not reapply for a pharmacy type license for a period of five years.

Date:

September 27, 2011

***CAREMARK FLORIDA MAIL PHARMACY, LLC**

dba CVS CAREMARK

Class D pharmacy

License Nos. 6235241-1708/8913

Docket No. 2011-298

Miramar, Florida

Cause of Action:

Respondent engaged in unprofessional and unlawful conduct when it dispensed Schedule II controlled substances to Utah residents that were in excess of a 30 day supply. **While neither admitting or denying the Division's findings of fact, Respondent agreed to the following:**

Date:

Respondent was ordered to pay a \$10,000 fine within 90 days.
September 16, 2011

PHARMACISTS/PHARMACY TECHNICIANS/PHARMACIES - continued

***CAREMARK ILLINOIS MAIL PHARMACY, LLC**

dba CVS CAREMARK

Class D pharmacy

License Nos. 5814415-1708/8913

Docket No. 2011-297

Mount Prospect, Illinois

Cause of Action:

Respondent engaged in unprofessional and unlawful conduct when it dispensed Schedule II controlled substances to Utah residents that were in excess of a 30 day supply. **While neither admitting or denying the Division's findings of fact, Respondent agreed to the following:**

Respondent was ordered to pay a \$5,000 fine within 90 days.

Date:

September 16, 2011

***CAREMARK PCS PENNSYLVANIA MAIL PHARMACY, LLC**

dba CVS CAREMARK

Class D pharmacy

License Nos. 5882592-1708/8913

Docket No. 2011-296

Wilkes Barre, Pennsylvania

Cause of Action:

Respondent engaged in unprofessional and unlawful conduct when it dispensed Schedule II controlled substances to Utah residents that were in excess of a 30 day supply. **While neither admitting or denying the Division's findings of fact, Respondent agreed to the following:**

Respondent was ordered to pay a \$3,000 fine within 90 days.

Date:

September 16, 2011

***STREBEL, Thomas Evan**

Pharmacist

License Nos. 139989-1701/8911

Docket No. 2009-5

Park City, Utah

Reinstatement Order:

The probation on Respondent's licenses to practice as a pharmacist and to dispense controlled substances was terminated and said licenses were reinstated with full privileges.

Date:

September 6, 2011

CONSTRUCTION TRADES/CONTRACTORS/UNLICENSED CONTRACTORS

***BERCICH CONSTRUCTION, INC.**

License No. 7253589-5501

Docket No. 2011-257

Lehi, Utah

Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order.

Date:

September 28, 2011

***COOPER CREEK CONSTRUCTION, INC.**

License No. 6945273-5501

Docket No. OSC-2-2008-132

Taylorsville, Utah

Cause of Action:

Respondent failed to comply with probationary conditions that existed on its license. Respondent also failed to demonstrate and maintain financial responsibility and obtained a license by misrepresentation or omission.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order. Respondent was also ordered to pay a \$500 fine within 30 days.

Date:

September 28, 2011

CONSTRUCTION TRADES/CONTRACTORS/UNLICENSED CONTRACTORS - continued

***C W CONSTRUCTION, LLC**

License No. 5724944-5501

Docket No. 2011-199

Provo, Utah

Cause of Action:

Respondent engaged in unprofessional and unlawful conduct with respect to financial responsibility.

Order:

Respondent was ordered to pay a \$500 fine within 30 days. Respondent voluntarily surrendered its B100 classification and a R100 classification was issued.

Respondent is required to maintain a \$50,000 contractor license bond until Respondent can demonstrate financial responsibility to the satisfaction of the Division and Commission. Respondent may in the future apply to reinstate the B100 classification along with a \$150,000 license bond or otherwise demonstrate financial responsibility to the satisfaction of the Division or Commission..

Date:

September 28, 2011

***DAVID BENTON**

dba PREMIER FLOOR COVERINGS

License No. 7341675-5501

Docket No. 2011-312

Manti, Utah

Cause of Action:

Respondent failed to comply with probationary conditions that existed on his license. Respondent's license to practice as a contractor was revoked with a stay of enforcement on the revocation. Said license was placed on probation for two years with conditions.

Order:

September 28, 2011

Date:

***DAVID NEALE PYPER**

License No. 4746389-5501

Docket No. 2011-256

Ivins, Utah

Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order.

Date:

September 28, 2011

***EARNSHAW ENTERPRISES, INC.**

License No. 360971-5501

Docket No. 2011-247

Salt Lake City, Utah

Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order.

Date:

September 28, 2011

***HFP SYSTEMS, INC.**

License No. 5222715-5501

Docket No. 2011-258

Mapleton, Utah

Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order.

Date:

September 28, 2011

CONSTRUCTION TRADES/CONTRACTORS/UNLICENSED CONTRACTORS - continued

***HOPKINSON, Bradley John**

Apprentice Plumber and Residential Journeyman Plumber

License Nos. 261806-5509/5510

Docket No. 2011-282

Layton, Utah

Cause of Action:

Respondent has engaged in unprofessional conduct that affects his licenses to practice as an apprentice plumber and residential journeyman plumber.

Order:

Respondent's licenses to practice as an apprentice plumber and as a residential journeyman plumber were revoked with a stay of enforcement on the revocations and both licenses were placed on probation for three years with conditions.

Date:

September 28, 2011

***JASER CONSTRUCTION, INC.**

License No. 6089200-5501

Docket No. 2011-266

Sandy, Utah

Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility and obtained a license by misrepresentation or omission.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order. Respondent was also ordered to pay a \$500 fine within 30 days.

Date:

September 28, 2011

***JC'S CUSTOM FINISH CARPENTRY, LLC.**

License No. 5619979-5501

Docket No. 2011-245

Payson, Utah

Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility and obtained a license by misrepresentation or omission.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order. Respondent was also ordered to pay a \$500 fine within 30 days.

Date:

September 28, 2011

***LAMB, Jeremy Alan**

Apprentice Electrician

License No. 368336-5505

Docket no. 2011-300

South Jordan, Utah

Cause of Action:

Respondent has engaged in unprofessional conduct that bears a reasonable relationship to his license to practice as an apprentice electrician.

Order:

Respondent's license to practice as an apprentice electrician was revoked with a stay of enforcement on the revocation. Said license was placed on probation for five years with conditions.

Date:

September 28, 2011

***SMITH, Daniel Adam**

Apprentice Electrician

License No. 8026045-5505

Docket No. 2011-307

American Fork, Utah

Cause of Action:

Respondent engaged in unprofessional conduct prior to submitting an application for licensure.

Memorandum of Understanding and Order:

A license to practice as an apprentice electrician was issued and said license was placed on probation for five years with conditions.

Date:

September 28, 2011

CONSTRUCTION TRADES/CONTRACTORS/UNLICENSED CONTRACTORS - continued

***TAYLORS TREE SERVICE, INC.**

License No. 6890088-5501

Docket No. 2011-191

Bluffdale, Utah

Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility and obtained a license by misrepresentation or omission.

Order:

Respondent's expired license to practice as a contractor was revoked effective the date of the Order. Respondent was also ordered to pay a \$500 fine within 30 days.

Date:

September 28, 2011

***THE ART OF FIXING, INC.**

License No. 6009497-5501

Docket No. 2001-267

Salem, Utah

Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order.

Date:

September 28, 2011

***THE MITCHELL COMPANY, LLC**

License No. 356768-5501

Docket No. 2011-175

Eagle Mountain, Utah

Cause of Action:

responsibility.

Respondent has engaged in unprofessional conduct with respect to financial

Order:

Respondent's license to practice as a contractor was placed on probation for three years with conditions.

Date:

September 28, 2011

OTHER REGULATED PROFESSIONS

***BATES, Hugh H.**

Licensed Clinical Social Worker

License No. 120595-3501

Docket No. 2011-290

Salt Lake City, Utah

Cause of Action:

Respondent failed to comply with probationary conditions that existed on his license.

Order:

Respondent voluntarily surrendered his license to practice as a licensed clinical social worker. Respondent may not reapply for a social worker type license for a period of two years.

Date:

September 13, 2011

***BIRCH, Amy Lee**

Cosmetologist/Barber

License No. 364480-1101

Docket No. 2011-289

Herriman, Utah

Cause of Action:

Respondent engaged in unprofessional conduct since the last renewal of her license.

Memorandum of Understanding and Order:

Respondent's license to practice as a cosmetologist/barber was renewed and said license was placed on probation for two years with conditions and restrictions.

Date:

September 13, 2011

OTHER REGULATED PROFESSIONS - continued

***BOLEY, Jennifer Anna**

Massage Therapist
License No. 7590911-4701
Docket No. 2010-242
Layton, Utah
Amended Order:

The probationary condition requiring Respondent to practice as a massage therapist during the probationary period for at least 8 hours per week and no more than 48 hours per week was amended to allow "practicing" in her profession to be defined as working at least 20 hours per month.

Date: September 26, 2011

***BOYD, Nichole C.**

Cosmetologist/Barber
License No. 332616-1101
Docket No. 2010-454
Amended Order:

The probationary condition requiring Respondent to practice as a cosmetologist/barber during the probationary period was amended to include time during which is working with the Department of Workforce Services in their "Work Success Program". The time spent seeking employment, with documentation to be provided to the Division, will also be considered "practicing" her profession in order to be counted towards the duration of the effective period of the Memorandum of Understanding and Order.

Date: September 22, 2011

***CARTER, Noelle Nicole**

Certified Substance Abuse Counselor
License No. 318154-6005
Docket No. 2011-315
Salt Lake City, Utah
Cause of Action:

Respondent is no longer able to comply with probationary conditions that exist on her license.

Order: Respondent voluntarily surrendered her license to practice as a certified substance abuse counselor. Respondent may not reapply for a substance abuse counselor type license for a period of two years.

Date: September 22, 2011

***CARTISANO, Catherine Michell**

Substance Abuse Counselor Intern
License No. 8069790-6004
Docket No. 2011-281
Salt Lake City, Utah
Cause of Action:

Respondent engaged in unprofessional conduct prior to submitting an application for licensure.

Memorandum of Understanding and Order: A license to practice as a substance abuse counselor intern was issued and said license was placed on probation for two years with conditions and restrictions.

Date: September 8, 2011

***FERRON, Hernan/Herman**

Unlicensed Substance Abuse Counselor
Docket No. 2011-314
Lehi, Utah
Cause of Action:

Respondent engaged in the practice of substance abuse counseling when he was not properly licensed to do so.

Order: Respondent was ordered to cease and desist from engaging in the unlicensed practice of substance abuse counseling until he is properly licensed to do so.

Date: September 22, 2011

OTHER REGULATED PROFESSIONS - continued

***HILL, Dennis Wayne**

Burglar Alarm Company Agent

License No. 8067406-6502

Docket No. 2011-295

Pleasant Grove, Utah

Cause of Action:

Respondent engaged in unprofessional conduct prior to submitting an application for licensure.

Memorandum of Understanding and Order:

A license to practice as a burglar alarm company agent was issued and said license was placed on probation for two years with conditions and restrictions.

Date:

September 28, 2011

***JENKINS, Jan Pearson**

Certified Dietitian

License No. 106082-4901

Docket No. 2011-309

Sandy, Utah

Cause of Action:

Respondent engaged in unprofessional and unlawful conduct when she forged prescriptions for controlled substances, submitted the forged prescriptions to Utah pharmacies and obtained the controlled substances for her own use.

Order:

Respondent voluntarily surrendered her license to practice as a certified dietitian. Respondent may not reapply for licensure as a dietitian for a period of five years and completion of conditions outlined in the Order.

Date:

September 22, 2011

***LOHRMEYER, Janice Marie**

Certified Substance Abuse Counselor

License No. 6034478-6005

Docket No. 2011-316

St. George, Utah

Cause of Action:

Respondent is no longer able to comply with probationary conditions that exist on her license.

Order:

Respondent voluntarily surrendered her license to practice as a certified substance abuse counselor. Respondent may not reapply for a substance abuse counselor type license for a period of five years.

Date:

September 22, 2011

***RICKETTS, Larry Allen**

Massage Therapist

License No. 3084529-4701

Docket No. 2011-299

Washington, Utah

Cause of Action:

Respondent engaged in unprofessional conduct when he touched the breasts of a female client with his arms while performing a breathing exercise while performing a professional massage at his place of employment. Respondent did not have permission or authorization of any kind to touch the female client's breasts. **While neither admitting or denying the Division's findings of fact, Respondent agreed to the following:**

Order:

Respondent voluntarily surrendered his license to practice as a massage therapist. Respondent may not reapply for a massage therapy license for a period of five years.

Date:

September 16, 2011

OTHER REGULATED PROFESSIONS - continued

***TIMOTHY, Zachary Scott**

Massage Therapist

License No. 7467350-4701

Docket No. 2011-321

Price, Utah

Cause of Action:

Respondent engaged in unprofessional conduct prior to submitting an application for licensure.

Memorandum of Understanding and Order:

A license to practice as a massage therapist was issued and said license was placed on probation for two years with conditions and restrictions.

Date:

September 28, 2011

***TURNER, Christopher Jay**

Cosmetologist/Barber

License No. 8041071-1101

Docket No. 2011-319

North Salt Lake, Utah

Cause of Action:

Respondent engaged in unprofessional conduct prior to submitting an application for licensure.

Memorandum of Understanding and Order:

A license to practice as a cosmetologist/barber was issued and said license was placed on probation for three years with conditions and restrictions.

Date:

September 27, 2011

***WEIDLER, Cari Lynn**

Burglar Alarm Company Agent

License No. 88069433-6502

Docket No. 2011-306

Provo, Utah

Cause of Action:

Respondent engaged in unprofessional conduct prior to submitting an application for licensure.

Memorandum of Understanding and Order:

A license to practice as a burglar alarm company agent was issued and said license was placed on probation for two years with conditions and restrictions.

Date:

September 28, 2011

This newsletter is now published monthly. Your comments and suggestions are welcomed. If you need further information on any material contained in the newsletter, please contact Kimberley L. at (801) 530-6088 or Carol I. at (801) 530-6626.